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**OFFICE OF THE CHIEF MEDICAL EXAMINER  
BOARD OF MEDICOLEGAL INVESTIGATIONS**

**BOARD OF MEDICOLEGAL INVESTIGATIONS  
SPECIAL MEETING**

Board Meeting Minutes from  
Wednesday, February 17, 2021 at 2:00 p.m.  
Via Videoconference

*In conformity with the Oklahoma Open Meeting Act, advance notice of this meeting was transmitted to the Oklahoma Secretary of State on February 1, 2021 at 9:10 AM and public notice of this meeting, together with the agenda, was posted in prominent public view on the front door of the Office of the Chief Medical Examiner, 921 NE 23<sup>rd</sup> Street, Oklahoma City, .*

Members present via videoconference: Mr. Ricky Adams, Dr. Robert Allen, Mr. Glen Huff, Dr. Eric Harp, Mr. Rocky McElvany, Dr. Roy Zhang, Mr. Chris Ferguson, Dr. Doug Stewart.

Members absent: Dr. Eric Pfeifer

Others Present: Dr. Joshua Lanter (OCME), John Crittenden (OAG), Kari Learned (OCME), Lori Shively (OCME), Renee Steward, (OCME).

Mr. Adams called the meeting to order at 2:02 p.m. Roll was called and a quorum was established.

Dr. Allen motioned to adopt the minutes as written from November 5, 2020, meeting. Dr. Zhang seconded the motion. Roll was called Mr. Ferguson and Dr. Stewart abstained; all others were in favor.

Dr. Allen motioned to adopt the minutes as written from December 2, 2020, meeting. Mr. McElvany seconded the motion. Roll was called Mr. Ferguson and Dr. Stewart abstained; all others were in favor.

- Update from the Deputy Chief Medical Examiner, Dr. Josh Lanter

Financial snapshot –

~ Dr. Pfeifer, Dr. Lanter and Renee Steward attended the appropriations Committee meeting for the House and Senate on January 26th. The presentation was well received, with no real issues being brought up. The Governor's budget lists an increase for our agency of \$1.5M, which is what we requested. Currently all our cash reserves are good.

#### Legislative update –

~ We have two bills that will likely have a financial impact on the agency. SB 95 is regarding our investigations and Sudden Unexplained Infant Deaths (SUID). It's unclear at this point what the bill is requesting. This needs to be further researched to find out exactly what the implications will be. This bill is in reference to the forms we fill out on these types of cases and subsequently who we send these forms to. It's very similar to SB 1893, which was passed last year. It involved these investigations as well.

~ The other bill we're watching is SB 354. This bill calls to eliminate out of state transport permits for all counties. Anytime there is a cremation or an out of state transport of a body, our agency gets involved to review these cases and make sure these deaths are natural. Once a body is cremated or transported out of state it is very difficult for our agency to continue an investigation. For us, this means if there is no permit, there is no investigation. Therefore, these bodies could be transported out of state without our involvement. Our fear is, if there is a non-natural death, the body is transported out of state and we need to perform an autopsy, we will be unable to. We could attempt to get the body back, but this is very difficult to do. Secondly, there is a financial impact. We do charge for both out of state and cremations permits. The loss of revenue is estimated at about \$249K a year for the agency. Dr. Pfeifer wants to approach the author and committee chair to voice our concerns to see if we can reach some kind of an agreement on the bill.

#### Priority project –

~ National Association of Medical Examiners (NAME) reaccreditation is our primary goal. We are still looking of 2022/2023 with some items still needing to be completed, which includes the Tulsa building. Dr. Lanter added the building continues to progress very well. There have been no major issues or roadblocks that we've had to deal with. Dr. Lanter attends weekly meetings involving the building and everything goes incredibly smooth. He anticipates everything will continue as expected.

~ We've had some issues with turnaround time on issuing permits for both cremation and out of state transport permits. The pandemic has caused strains on hospitals which delays them sending medical records to us which we need to complete permits. Additionally, we've had new employees starting in this department. It takes several months for an employee to become fluent in this position. Additionally, we've seen an increase in cremation permits, likely due to the pandemic. We are currently addressing these. Tulsa has hired a part time employee dedicated to help with permits. Also, we are cross training employees from other departments to provide assistance. We anticipate this is only temporary and we should be able to remedy this fairly quickly.

~ Another obstacle we're facing is the ability to send our microbiology samples to the State Health Department for testing. We were notified by the Health Department that they are no longer testing our microbiology specimens due to staffing issues. We hope this is temporary, however, we will need to use other labs to perform these tests both in Oklahoma City and Tulsa. The financial impact is currently unknown. We will gather information to determine if the Health Department is going to assume this job once again. In the meantime, we are using private labs on a case by case basis.

#### Death certificates of non-jurisdiction cases -

~ This is a complicated issue which involves cases that are not the jurisdiction of the Medical Examiner's Office and death certificates that are not getting signed by clinicians in the field. In these situations, a person dies of a natural disease, either we were called and released jurisdiction stating we will not be involved, or we weren't called at all. The clinician would then typically sign the death certificate if the

death falls within 90 days of the decedent's last visit. We're finding clinicians are refusing to sign the death certificates on natural cases. Families are waiting weeks or months with the death certificate unsigned. Dr. Pfeifer and Dr. Lanter have agreed with Vital Records to step in and sign these death certificates. This means we must add these decedents to our database, assign a case number then request medical records. Currently the numbers are unclear, however, we have been notified of approximately 50 cases. If we take on this task, we will explore receiving some type of financial reimbursement for the work. The reason we are doing this is to help families.

Mr. Adams asked how widespread this problem of clinician refusing to sign death certificates. Dr. Lanter replied that at this point it's hard to tell. The issue has always been out there, but it is becoming worse, particularly since the pandemic started.

Mr. Ferguson added that the Funeral Board has also seen an increase in phone calls from consumers regarding this same issue. Mr. Ferguson thanked Dr. Lanter and Dr. Pfeifer for taking on this project. He offered to speak with Drs. Lanter and Pfeifer at a later time to provide some ideas.

Mr. Ferguson addressed SB 354, he mentioned that this bill started as an elimination of out of state transports permits for the exterior counties of the Oklahoma that border other states. When this bill was in committee, it was revised to all 77 counties. Mr. Ferguson voiced his concern that the District Attorneys Council needs to be aware of this bill and the potential impact for the local District Attorneys and their ability to prosecute. He added this is not a good bill overall and not for the agency.

Mr. Crittenden added that the legislators need to be informed that this is not only a revenue item for the agency, but it also preserves evidence before it accidentally leaves the state. Mr. McElvany echoed Mr. Crittenden's concern in that this bill is taking away potential evidence. He suggested law enforcement get with the legislators to let them know this. Mr. Adams agreed that a decedent shouldn't leave the state until a thorough investigation has been done. Additionally, Mr. Adams said he will pass this information along to the OSBI legislative liaison in hopes that along with other members of the Board they will be able to interdict this bill.

Mr. McElvany thanked Dr. Lanter for bringing up the State Health Department microbiology lab and advised that it is being moved to Stillwater. He will investigate to determine why the decision was made to stop working with OCME and see if they could provide this service again in the future.

Mr. McElvany added the Health Department has a great interest to ensure accurate information is on death certificates in situations where the clinicians won't sign the death certificates. He suggested that he, Mr. Ferguson, Dr. Lanter, Dr. Pfeifer, Sue Bordeaux and other vital records staff join together to make this work for the families.

- Discussion regarding Open Meetings – Mr. John Crittenden

Mr. Crittenden advised that the original Open Meeting Act is still permanent law. However, we've had 2 temporary acts that overlay it that allow for virtual meetings. He informed the Board that we are able to establish a quorum virtually in combination with attendees being in person. Additionally, executive session can be held via videoconference. This will be until February 2022 or the Governor allows the Executive Order to lapse, then it would go for another 30 days.

- Discussion, possible action and possible Executive Session to discuss a pending claim pursuant to 25 O.S. section 307B.4

Mr. Crittenden advised that it's in the best interest of the agency to enter Executive Session to discuss a pending claim among the Board in private.

Mr. Adams opened the floor for a motion to enter Executive Session. A motion was made by Mr. Ferguson to enter executive session for the purpose of discussing the pending claim. Dr. Stewart seconded the motion. Roll was called, and all were in favor.

\*At this time all attendees were moved into the videoconference waiting room. The Board members joined a separate audio conference call for Executive Session.

\*\* The videoconference was re-established and anyone in the waiting room was admitted back into the meeting.

Mr. Adams opened the floor for a motion to exit Executive Session. Mr. McElvany motioned to exit Executive Session. Dr. Allen seconded the motion. Roll was called and all were in favor.

Mr. Huff made a motion to approve the settlement as discussed during Executive Session. Dr. Stewart seconded the motion. Roll was called and all were in favor.

Mr. Huff motioned to adjourn the meeting. Dr. Stewart seconded the motion. Roll was call and were in favor. The meeting was adjourned at 3:02 pm.